the French court in the instant case, they demanded the most convincing evidence, not only that the petitioner had technically lost his original nationality, but that he was not in a privileged position to reclaim it. In the case of *Ex parte Weber* (C. A.) [1916] 1 K. B. 280; (H. of L.) [1916] 1 A. C. 421, 425, the applicant was born in Germany in 1883, left Germany in 1898 for South America, and since 1901 had lived continuously in England. By the German law of 1870, sec. 21, ten years' uninterrupted residence abroad, and by the law of July 22, 1913, sec. 26, failure to obtain a decision on his liability to military service up to his thirty-first year, effected expatriation. The applicant came within these provisions. He was interned in England, at the age of 32, as an alien enemy, and applied for a writ of habeas corpus, alleging that he had lost German nationality, and as he had not acquired any other, that he was a person without nationality. It was objected by the Court of Appeal and by the House of Lords that while the letter of the law would seem to have expatriated him, he had not shown that he could not be claimed for military service on his return to Germany; and furthermore, by the law of 1913 it appeared that he could reacquire German nationality on privileged terms; hence they concluded that the German tie was not so completely severed that he could be considered as released from German nationality. See also *The King v. Superintendent of Vine Street Police Station* [1916] 1 K. B. 268, 277. In *Simon v. Phillips* (K. B. Div. 1916) 114 L. T. Rep. N. S. 460, Simon was born in Coburg, Germany, in 1869, emigrated to the United States in 1887, obtained a discharge from German nationality in 1891, became naturalized in the United States in 1894, and on the outbreak of the war had been employed for many years in London. There was no evidence that he had ever returned to Germany. In 1915, he was refused registration in the American Consulate on the ground that the presumption of expatriation from the United States under the Act of March 2, 1907, had arisen against him by reason of his long residence in England. He claimed, therefore, to be a person without nationality. It was held that he had not proved that his nationality of origin had not reverted or that he had entirely lost his right to be readmitted thereto. In France, it was recently held that a person claiming to have become expatriated from Germany by ten years' uninterrupted absence, according to the law of 1870, had to meet the burden of proving that he had during the ten year period never set foot in Germany. *Aronsohn v. Attorney General,* Tribunal de la Seine, Nov. 13, 1916, reported in (1917) 44 CLUNET, 645. These decisions would tend to show a decided indisposition to admit a status of "statelessness," at least with respect to the circumstances of these cases, and to show that the rule with respect to nationality of origin is applied analogously to that of domicile of origin. See Field, *Outlines of an International Code* (2d ed.) 130. This principle, however, can hardly be considered a recognized rule of international law. By the United States Act of March 2, 1907, "statelessness" has been made possible by the fact that the presumption of expatriation which arises as a consequence of the residence of a naturalized citizen in his native country for two years or in any other country for five years does not *necessarily* confer his old nationality upon him, as is the case in the municipal law of some countries; and by the provision in section 3 that "any American woman who marries a foreigner shall take the nationality of her husband," apparently disregarding the fact that the law of his country may not confer his nationality upon her, as is the case in Brazil and some other countries.

INTERNATIONAL LAW—PRIZE—NEUTRAL VESSEL CARRYING CONTRABAND.—A neutral (Norwegian) vessel was chartered to German dealers in fish, under circumstances from which the owner may be presumed to have known that his ship was to carry fish from Norway to Germany. The vessel was captured by

a British cruiser while on the way to Germany with a cargo of fish, which was conditional contraband. The German Government had taken over by requisition all food supplies, which fact was generally known. *Held,* that the neutral ship was liable to condemnation as prize. *The Hakan* (1917, P. C.) 117 L. T. Rep. N. S. 619.

Prior to the Napoleonic Wars it was the general practice, adopted in England, to condemn neutral vessels carrying contraband. *The Mercurius* (1799, Eng. Adm.) 1 C. Rob. 288, note; *The Bermuda* (1865, U. S.) 3 Wall. 514, 555. This rule was relaxed in *The Neutralitet* (1801, Eng. Adm.) 3 C. Rob. 295, by Lord Stowell, who held the neutral ship non-confiscable unless the owner of the ship was also the owner of some of the contraband cargo, or the ship had sailed with false papers, or it appeared that the owners had in fact knowledge of the noxious character of the cargo. For cases illustrating respectively these three exceptions to the more liberal rule, see *The Jonge Tobias* (1799, Eng. Adm.) 1 C. Rob. 329; *The Ringende Jacob* (1798, Eng. Adm.) 1 C. Rob. 89; *The Neutralitet, supra.* They are all in reality based on the inference of the knowledge of the shipowner of the trade of his ship, and therefore on his "taking hostile part against the country of the captors" and "mixing in the war." *The Bermuda, supra.* The prize regulations of various countries by which a certain proportion of contraband on a vessel infects the vessel itself (summarized by Sir Samuel Evans, President of The Admiralty Division, in the decision in the principal case below, reported in [1916] P. 266, 278-280), and article 40 of the Declaration of London, adopted by British Orders in Council of August 20 and October 29, 1914, according to which "a vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo," merely afford a practical test in aid of the inference of knowledge on the part of the shipowner, an irrebuttable inference in England and the United States, but rebuttable, it seems, in Holland and Italy by proof of actual ignorance of the nature of the cargo. In the instant case the Judicial Committee of the Privy Council found that the circumstances clearly created a presumption of knowledge on the part of the shipowners, whereas the court below considered it unnecessary to go behind the test afforded by the fact that more than half (indeed the whole) of the cargo was contraband.

INTERSTATE COMMERCE—TRANSPORTATION OF PROPERTY BY OWNER FOR PERSONAL USE.—The defendant purchased a quart of intoxicating liquor in Kentucky and carried it into West Virginia, intending it for his own personal use. An Act of Congress declares it unlawful for anyone "to cause intoxicating liquors to be transported in interstate commerce" into any state, the laws of which prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes. *Held,* that defendant was not guilty for a violation of the Act, his transportation of liquor for personal use not amounting to "interstate commerce." *United States v. Mitchell* (1917, S. D. W. Va.) 245 Fed. 601.

See COMMENTS, p. 808.

MAINTENANCE—DEFENSES—SUCCESSFUL PROSECUTION OF MAINTAINED ACTION.—The plaintiff promoted a prize competition which required an entrance fee of three guineas. The defendants, newspaper publishers, through their columns invited competitors to bring actions to recover their entrance fees on the ground that the money had been obtained by fraudulent misrepresentation, the defendants offering to pay the legal expenses of such actions. A number of the competitors thereupon joined together and two actions, maintained by the defendants, were successfully brought against the plaintiff. The plaintiff brought suit, charging